

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.RAMACHANDRAN  
&  
THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 24TH NOVEMBER, 2006 /3RD AGRAHAYANA, 1928

AS.No. 702 of 1996()

-----  
(OS.133/1993 of PRINCIPAL SUB COURT,ERNAKULAM)

.....

APPELLANT/PLAINTIFF:

-----

BALAGOPALA B. PAI,  
S/O.BALAKRISHNA PAI,  
PROPRIETOR M/S.EVERSHINE TRADERS,  
VIII/37, PRABHU BAGH STREET,  
CHERLAI, COCHI-682 002.

BY ADV. SRI.T.M.MOHAMMED YOUSEFF & SMT.AYSHA YOUSEFF

RESPONDENTS/DEFENDANTS:

-----

1. GENERAL MANAGER,  
EXPORT CREDIT GUARANTEE CORPORATION OF  
INDIA LIMITED, REGISTERED OFFICE AT  
EXPRESS TOWERS, 10TH FLOOR,  
P.B.NO.373, NARIMAN POINT, BOMBAY- 400027.
2. BRANCH MANAGER,  
EXPORT CREDIT GUARANTEE CORPORATION OF  
INDIA LIMITED, "ABHVIRIDHI", 418-b, 3 & 4,  
D.H.ROAD, ERNAKULAM, KOCHI - 682 016.

BY ADV. SRI.V.M.KURIAN  
SRI.A.V.THOMAS  
SRI.E.K.DILRAJ  
SRI.MATHEW B.KURIAN

THIS APPEAL SUIT HAVING BEEN FINALLY HEARD ON 24/11/2006, THE  
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**M. RAMACHANDRAN & A.K.BASHEER, JJ.**

-----  
**A.S.NO. 702 OF 1996**  
-----

**Dated this the 24<sup>th</sup> day of November, 2006**

**J U D G M E N T**

**Basheer, J.**

This appeal was admitted on October 9, 2006. When the appeal was filed, the appellant had paid one-third of the court-fee payable on the memorandum of appeal.

2. Though the appellant was directed to pay the balance court fee within fifteen days from the date of admission of the appeal, the appellant has not complied with the above direction. Learned counsel for the appellant submits that the appellant is not in a position to pay the balance court fee.

3. In the above facts and circumstances, the appeal is rejected. The court fee paid on the memorandum of appeal shall be refunded as provided under Section 66 of the Kerala Court Fees and Suits Valuation Act, 1959.

**M. Ramachandran, Judge**

**A.K.Basheer, Judge**

DBA NO.

: -2- :

**Mbs/**

**M. RAMACHANDRAN &  
A.K.BASHEER, JJ**

---

-----

A.S.NO. 702 OF 1996

---

-----

J U D G M E N T

DBA NO.

:-3:-

DATED:24-11-2006